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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

QYK BRANDS LLC d/b/a Glowyy; et al,

Defendants

Case No. 8:20-cv-01431-PSG-KES

DECLARATION OF JACQUELINE NGUYEN

I, JACQUELINE NGUYEN, DO HEREBY DECLARE AND STATE AS FOLLOWS:

1. I have personal knowledge of the following facts, and, if called upon, would testify to them.
2. I am the Owner of Dr. J's Natural, LLC ("Dr. J's") and have operated the company during all relevant times in the lawsuit. As CEO, I ran the day-to-day operations of Dr. J's and am familiar with the events, hurdles and

challenges that occurred from March through May, 2020, when the Covid-19 pandemic suddenly hit the world. I am also aware of its business thereafter.

3. I hold a Doctor of Pharmacology degree and trained as a clinical compounding pharmacist.

4. Dr. J's Natural was actually incorporated in 2019, but the company has been doing business since 2011. It previously did business under the name Carefree Senior Living.

5. Dr. J's formulates and distributes nutraceutical products as well as skin care and personal care products.

6. Dr. J's moved to 10517 Garden Grove Blvd., Garden Grove, CA in approximately November 2019 and by February 2020, we had between 2-3 employees.

7. Dr. J's started selling hand sanitizer on March 10, 2020 under its own brand name (Dr. J's Naturals) by placing the product on our website. To my knowledge, there were no shipping claims or timelines on the Dr. J's website. Indeed, I was careful in what I stated on the Dr. J's website regarding shipping time. For example, on April 11, 2020 the website stated, "hand sanitizer products are expected to ship after April 26." A copy of this screen shot from my website is attached as **Ex: A.**

8. At the time that Dr. J's began selling hand sanitizer (March 10), I posted a special promotion for my followers which was about 54 people. The

promotion stated that if they ordered on that day (March 10), then we would ship on that day. I did not receive any orders from my followers on that day that I can recall. This was a one day special that my followers did not take me up on.

9. In mid- March, Dr. Js placed a Facebook Ad which is different than a post (a post is only directed to followers). Unlike a post, a Facebook Ad is generally disseminated by Facebook. This Ad did not contain any shipping claims. This Ad can be found as Page 267 of the FTC's PX2 , Attachment AD. As can be seen no shipping claim is made, and this would be true of all Facebook ads.

10. Dr. J's did not market the hand sanitizer in any other manner other than a Twitter post which, like the Facebook post, was directed only to a limited number of followers.

11. To my knowledge, all Dr.J's hand sanitizer products were timely shipped. There may have been a few exceptions, as things were chaotic during these times, but our customer service were able to resolve these exceptions.

12. Hand sanitizer was not a major product for Dr. J's and Since August 2020, Dr. J's has made only about $75,000 in hand sanitizer sales to consumers via the internet.

13. Dr. J's also offered a product called Basic Immune IGG whose active ingredient was ImmunoLin®, a product produced by Entera health, Inc..

According to Entera Heath's clinical studies, Immunolin® increases the body's natural defense by providing high levels of an antibody called IgG. As stated by EnteraHealth:

"ImmunoLin® is the next generation immune-protein providing concentrated immunoglobulins to support the body's natural immune defenses in the gut.

…

For years, immunoglobulins have been used to help support the body against infectious, idiopathic, and autoimmune diseases. ImmunoLin® is the next generation of functional protein that contains the highest level of IGG available per gram as a dietary supplement ingredient." A copy of the screen charts from the Entera Health website with these representations is attached as **Ex: B.**

14. I am of Vietnamese descent and virtually my exclusive customer base has always been the Vietnamese community. The Basic Immune IGG was marketed exclusively to the Vietnamese community through an interview that I did on Vietnamese language TV.

15. The Basic IGG product did not sell well. After a few months we discontinued it and sold off our inventory at a loss.

16. I have reviewed my Vietnamese interview and the translation provided by the FTC is incorrect. In its motion, the FTC claims that the interview contains the following passage:

Interviewer: "And we should still wash our hands for two Happy Birthday song's time, and use this product for a month as well. Is it guaranteed that we will stay safe [from Covid]? Guaranteed?"

and that my response was

Nguyen: "It's guaranteed, because there is FDA's verification and approval."

(See FTC Mot at 19/13-15)

17. This is an incorrect translation and not what I said. First, I never used the phrase [from Covid]." This was added by the FTC to create a false impression of this passage. The proper translation of what I said is as follows:

Nam: (male host)

We tried our best to avoid and wash your hands often via singing the "Happy Birthday song" in addition, add on to take this bottle supplement for 1 month to guarantee something? Does it guarantee for better health?

Nguyen: This bottle supplement is guarantee to make in FDA facility and it has all the certifications

Nam (male host): Pharmacist Thu Thảo just take the supplement in front of us so I believe it is a good product. I should buy for family and friends and gifting to them to help them with bacteria and virus?

18. What I was conveying was that the product is safe to take as it is made by Entera Health which, to my knowledge, is a FDA certified facility as being

safe. Indeed, Entera Health states the following regarding its ImmunoLin® product:

> The safety of ImmunoLin® is supported through clinical trial monitoring of studies spanning more than 20 years and submission of a generally recognized as safe submission to the US Food and Drug Administration. (**See Ex: C attached**)

19. Dr. J's previously sold cold pressed juice. I remember multiple cancer patients coming to me to ask for this product. We, however, had to discontinue the product as we could not offer this fresh product along with our other products when Covid changed the way products could be offered. I never represented to any person that the cold pressed juices were intended to treat, cure or prevent cancer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 18th day of March, 2022 at Garden Grove, California.

/s/ Jacqueline Nguyen
JACQUELINE NGUYEN

EXHIBIT A

my.sendinblue.com/camp/preview/id/1

SendinBlue Campaigns | Preview Mode

From : GLOWYY Team <support@glowyy.com>
Reply : info@glowyy.com
Subject : Current Order Processing Time Update

ORDER PROCESSING TIME UPDATE

Dear {{ contact.FIRSTNAME }}

Please be informed that we are currently experiencing longer than normal processing time due to the heavy demand for outbreak preparedness products. If your order contains Hand Sanitizers, please be assured that we do have sufficient stock available for pending orders and new shipments are arriving from manufacturers every day. The current processing times for orders placed after March 8th is 3-5 days and we are working to reduce this time. Customers will receive an email confirming the shipment with a tracking number once items have shipped. All orders are currently shipping from our California warehouse. If this delay is not acceptable, you may cancel your order for a full refund anytime before we ship. Please contact our customer service at support@glowyy.com or by phone at +1(949)325-5614 (or) +1(949)910-6649 with your request to cancel.

We appreciate your understanding and patience!

The Glowyy Team

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EXHIBIT B

Entera Health

Entera Health

Your best life starts in your gut

A healthy body starts with a healthy gut. Formulate the next generation of digestive health and Immune support supplements with ImmunoLin®.

Support Digestive Function with ImmunoLin®

For years, immunoglobulins have been used to help support the body against infectious, idiopathic, and autoimmune diseases. ImmunoLin® is the next generation of functional protein that contains the highest level of IgG available per gram as a dietary supplement

ingredient. To support a healthy GI system ImmunoLin® contains over 60% Immunoglobulins and other important serum-proteins clinically proven to support digestive health. ImmunoLin® is a serum-derived bovine immunoglobulin/protein isolate (SBI), the only non-dairy protein ingredient with concentrated levels of IgG, intended to support the body's natural immune defenses.



Benefits of ImmunoLin®

Helps maintain healthy digestive balance*

Increases uptake and utilization of nutrients*

Supports healthy GI barrier function*

Naturally derived, allergen free protein

Clean Label

Discover ImmunoLin®

*Disclaimer: ImmunoLin® is not intended to treat, cure, or prevent any disease or disorder. These statements have not been evaluated by the FDA.

Digestive Health and the Immune System

The gastrointestinal system plays a much bigger role than you may think in overall health and wellness. Not only does it work to break down food and liquids facilitating nutrient absorption, the gut is also home to 70 – 80 % of your immune system.[1] [2] Immune cells in the gut are constantly reacting and learning how to balance microbiota through tolerance and antibody production.

References:

1. *Weiner HL. Oral tolerance, an active immunologic process mediated by multiple mechanisms. J Clin Invest 2000; 106:935–7.*
2. *Faria AM, Weiner HL. Oral tolerance. Immunol Rev 2005; 206:232–59.*

Gastrointestinal Balance



Supporting digestive function with research-backed ingredients like

Explore Our Products

Work with Entera

Global consumer health and wellness companies focused on immune support and digestive health partner with us to provide consumers with effective new ingredients. Our non-dairy ingredients are unique to the market and have proven effective in a number of clinical studies. With proprietary cGMP manufacturing facilities in the U.S. and New Zealand, we are able to meet the demands of our distributors and manufacturers around the world. We work with our partners to drive innovation and develop healthy and effective dietary supplements.

Partner With Entera

The Latest in Gut Health

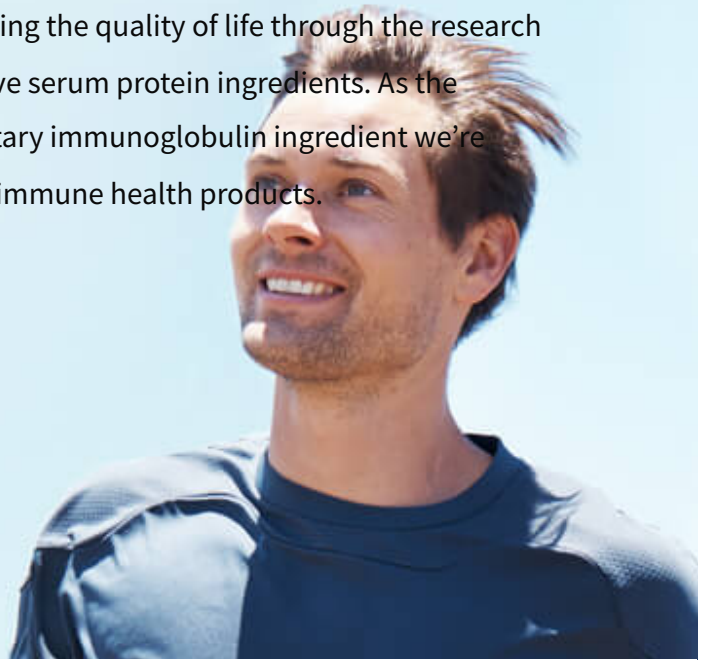
Stay informed as new studies and findings are released and learn about any upcoming events and opportunities.

News and Events

Get to Know Entera Health

Entera Health is dedicated to improving the quality of life through the research and development of safe and effective serum protein ingredients. As the developer of ImmunoLin®, a proprietary immunoglobulin ingredient we're focused on advancing digestive and immune health products.

Learn More



Want to learn more about the importance of digestive health from experts in the industry?

Download a complementary copy of the New book by David Foreman, RPh, ND, the Herbal Pharmacist, as our gift to your gut health. **“Life Begins in the Gut”**

Over 2000 years ago, Hippocrates, a great physician considered one of the most outstanding figures in medicine, said, **“All disease begins in the gut.”**

Now, 2000 years later modern medicine has proven him right. But, what if you flipped this statement to be “Life begins in the gut”? The “gut” and its health are not only critical for digestion but for life itself. Optimal nutrition begins and ends with healthy digestion.

Download: Life Begins in the Gut

Reach Out to Learn More about Entera Health

First Name *

Last Name

Email Address

Business *

Phone Number

How Can We Help?

CAPTCHA

Submit

CONTACT

TERMS OF SERVICE

PRIVACY POLICY

Claims have not been reviewed by the Food and Drug Administration. These products are not intended to diagnose, treat, cure, or prevent any disease or disorder. Not all statements may be applicable in all geographies. Certain product labeling and associated claims may differ based on regional regulatory requirements.

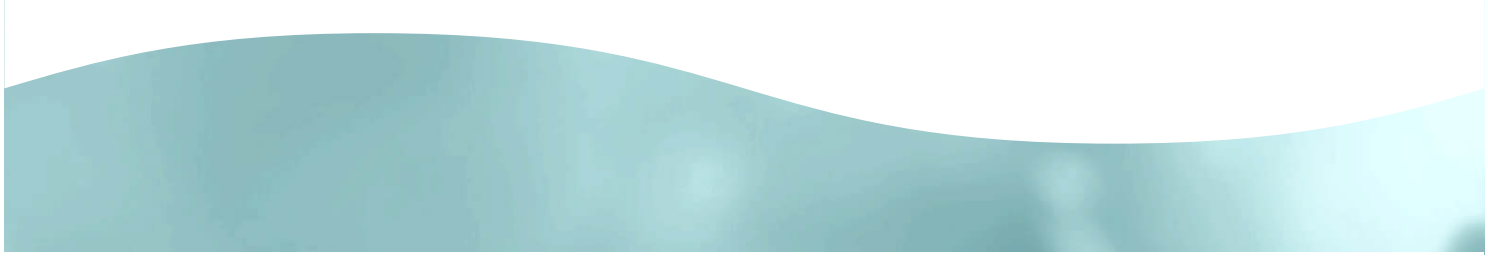
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EXHIBIT C



Future of Immuno-Protein

ImmunoLin® is the next generation immuno-protein, providing concentrated immunoglobulins to support the body's natural immune defenses in the gut. Made with specifically purified serum proteins, ImmunoLin® contains high concentrations of immunoglobulins and growth factors clinically proven to support immune health, digestive wellness, and sports nutrition.



Entera Health

What is ImmunoLin®?

Our serum-derived bovine immunoglobulin protein isolate helps support a healthy digestive tract and immune system. Immunoglobulins work by binding potentially toxic antigens within the digestive tract and prohibiting them from crossing the gut barrier.[3] [4] [5] These antigens are naturally present in the intestinal tract and cause inflammation when exposed to the immune system. ImmunoLin® is naturally free of dairy, saturated fats, cholesterol, sugars, GMO's, hormones, and antibiotics, making it the perfect choice for your most health-conscious consumers.

References:

3. *Peace RM, Campbell J, Polo J, Crenshaw J, Russell L, Moeser A. Spray-dried porcine plasma influences intestinal barrier function, inflammation, and diarrhea in weaned pigs. J Nutr. 2011;141(7): 1312–1317.*

4. *Pérez-Bosque A, Amat C, Polo J, et al. Spray-dried animal plasma prevents the effects of Staphylococcus aureus enterotoxin B on intestinal barrier function in weaned rats. The J Nutr. 2006;136(11): 2838–2843.*

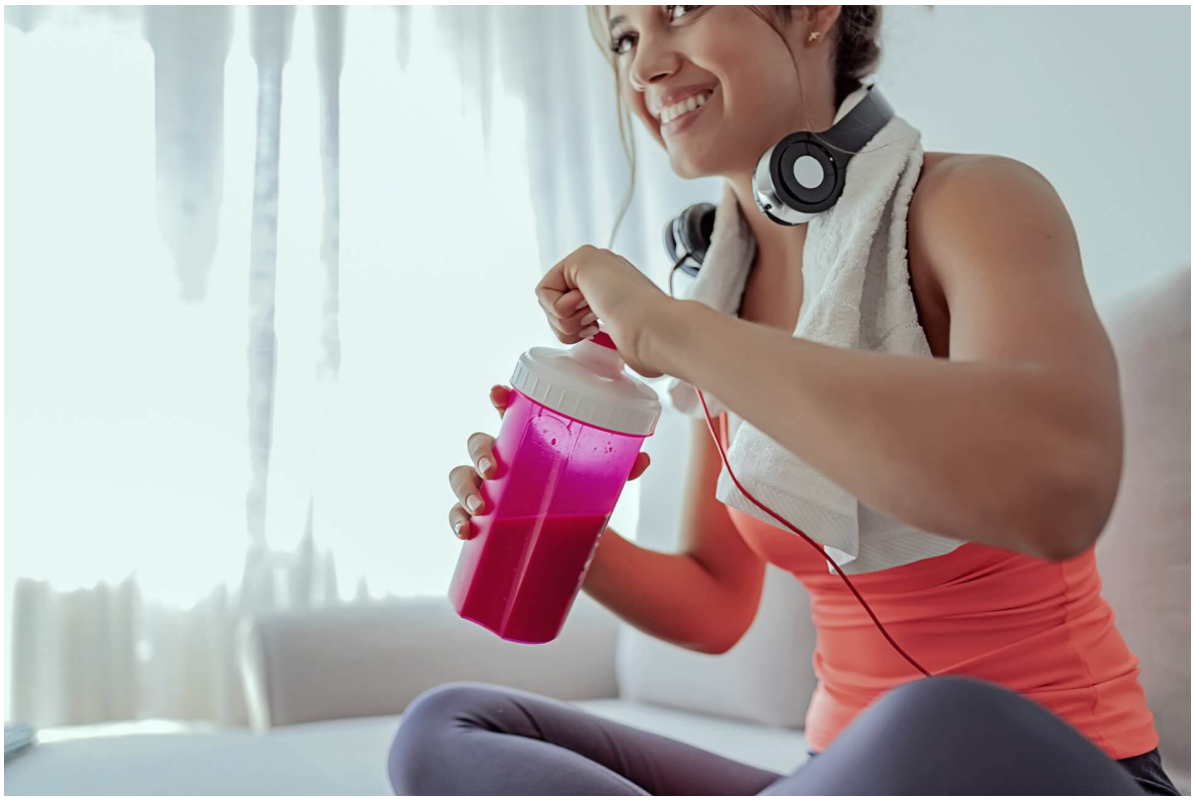
Download Product Specifications

Quality of ImmunoLin®

ImmunoLin® is nature's perfect protein, derived from high quality raw material. More than 35 years of research and development has gone into developing immunoglobulin ingredients that are marketed today as ImmunoLin®. Each lot is produced in accordance to cGMP standards. ImmunoLin is produced in a

Entera Health

ImmunoLin®.



ImmunoLin® in Sports Nutrition

Boosting recovery speed and protecting muscle tissue are priorities for recreational and competitive athletes alike. It's also widely understood that two of the most powerful stimulators of skeletal muscle synthesis are resistance exercise and protein intake. With serum-derived bovine immunoglobulin/protein isolate (SBI), athletes can support healthy muscle tissue recovery after strenuous training.

Learn More

The safety of ImmunoLin® is supported through clinical trial monitoring of studies spanning more than 20 years and submission of a generally recognized as safe submission to the US Food and Drug Administration.

FDA GRAS Designation

On December 24, 2008, the US FDA issued a letter in response to GRAS notice No.255 for Bovine Globulin. FDA's response reads, "Based on the information provided by Proliant [a sister company to Entera Health, Inc.], as well as other information available to FDA, the agency has no questions at this time regarding Proliant's conclusion that bovine globulin is GRAS under the intended conditions of use.

Allergy Considerations

ImmunoLin® is a protein ingredient purified from bovine serum that is naturally dairy-free, meaning no lactose, casein, or whey. It's manufactured in accordance with Current Good Manufacturing Practice (cGMP). Because ImmunoLin® is a beef derivative, people with allergies to beef should not consume the product.

Work with Entera Health

Promote dietary digestive health support and help connect consumers with unique, effective ingredients by partnering with us today. Our proprietary closed-loop manufacturing facilities in the U.S. and New Zealand allow us to quickly meet the demands of our manufacturers and distributors. Entera Health owns every step from collection to distribution, providing our customers with high-quality products and supply chain management.

Entera Health

Entera Health

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